

JUDGE SWEET

**12 CIV 8583**

408/07/GMV

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CRESCENT AFRICA (GHANA) LTD.,

Plaintiff,

- against -

ECOBANK NIGERIA PLC.,

Defendant.

12 Civ. \_\_\_\_ (\_\_\_\_)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/27/12

**ORDER DIRECTING CLERK TO ISSUE  
PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT AND  
APPOINTING PERSON TO SERVE PROCESS PURSUANT TO RULE 4(c)  
AND CONCERNING SCOPE OF SERVICE**

Upon reading and filing the Verified Complaint of Plaintiff herein, verified on November 26, 2012, ~~by the Declaration of Kojo Owusu Nyantekyi~~, and the Affidavit of Gina M. Venezia, sworn to on the same day, that to the best of her information and belief Defendant Ecobank Nigeria PLC cannot be found within this District for the purpose of an attachment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure (hereinafter "Rule B") and in support of an order appointing a special process server pursuant to Rule 4(c) of the Federal Rules of Civil Procedure, and the Court having found that the conditions required by Rule B exist, and good cause having been shown,

NOW, upon motion of Freehill Hogan & Mahar, LLP, attorneys for the Plaintiff, it is hereby

**ORDERED** that the Clerk of this Court is directed forthwith to issue the Process of Maritime Attachment and Garnishment for seizure of all tangible or intangible property of Defendant up to and including **USD \$18,044,928.12**, including, but not limited to any assets within this District comprising, *inter alia*, cash, funds, credits, debts, bank accounts, correspondent accounts, and/or letters of credit, of, belonging to, due or for the benefit of Defendant Ecobank (collectively hereinafter, "Assets"), including but not limited to Assets in its name and/or being held for its benefit, at Citibank N.A., Commerzbank AG, Deutsche Bank Trust Company Americas, Deutsche Bank Trust Company, N.A., Deutsche Bank Aktiengesellschaft, and Standard Chartered Bank, or at such other garnishees who may be served with a copy of the Process of Maritime Attachment and Garnishment issued herein.

**ORDERED** that supplemental process enforcing the Court's Order may be issued and served without further Order of the Court; and it is further

**ORDERED** that Robert Ridenour, Joan Sorrentino or any other partner, associate, paralegal or other agent of Freehill Hogan & Mahar LLP be and is hereby appointed, in addition to the United States Marshal, to serve the Process of Maritime Attachment and Garnishment and the Verified Complaint, together with a copy of this Order and any interrogatories, upon garnishee(s), together with any other garnishee(s) who (based upon information developed subsequent hereto by the Plaintiff) may hold assets of, for, or on behalf of the Defendant; and it is further

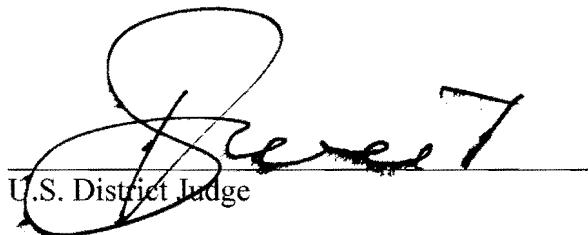
**ORDERED** that following initial personal service upon any garnishee by the United States Marshal or any other person designated by this or any subsequent Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment may thereafter be made by way of facsimile transmission or other verifiable electronic means,

including e-mail, to each garnishee so personally served, such service to be in accordance with each garnishee's preference or policy, and such facsimile or other electronic transmission shall be deemed to be made within the district if it has been sent from within the district; and it is further

**ORDERED** that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service, and it is further deemed to be effective through the end of the next business day, provided another service is made the next business day; and it is further

**ORDERED** that upon determining that it is in possession of any property which may be subject to this Order, any garnishee shall, as soon thereafter as is practicable, advise the plaintiff of such details about the attachment as are reasonably available to it.

Dated: New York, New York  
November 27 2012

  
U.S. District Judge

2